REMARKS

Claims 1-25 are in the application. Claims 26-42, which were the subject of a requirement to restrict and were previously withdrawn without prejudice, are cancelled without prejudice or disclaimer of the subject matter. Claims 1 and 13 are independent. Claims 1-8, and 13-20 are amended. Support for the amendments can be found in the application as originally filed, including without limitation ¶¶ 165-188 (n.b., the paragraph numbering is that of the originally-filed application) and Figures 9 and 10. No new matter has been added. Reconsideration and further examination are respectfully requested.

By way of a non-limiting example and in accordance with one or more embodiments, an ingest queue server, e.g., ingest queue server 926 of Figure 10 of the present application, is located at a central site and directs movement of a file ingested by an ingest server, e.g., ingest server 908, in a decentralized upload operation at a decentralized client site, based on identifying information associated with a client content provider, e.g., client 102, that uploads the content to ingest server 908. A file management server, e.g., file management server 907, reads the client's uploaded content from ingest server 908, and moves it to a storage server, e.g., storage server 906, as directed by ingest queue server 926 as part of the decentralized upload operation. The storage server 907 can be located at a specific site, e.g., a site identified for client 102, such as a primary site assigned to the client that is in geographic proximity to end users of client 102, as identified by the client identifying information. By way of a further non-limiting example, one or more streaming media servers, e.g., media servers 920, can read the content from the storage server 907 at the primary site identified for client 102, and serve the content to users.

Claims 1, 2, 6, 8, 11-14, 18, 20, 23 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2001/0034786 (Baumeister) and U.S. Patent No. 6,970,939 (Sim); Claims 3, 4, 7, 9, 15, 16, 19, 21 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and U.S. Patent No. 6,006,264 (Colby); Claims 5 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and U.S. Publication No. 2002/0019823 (Layeghi); Claims 10 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and U.S.

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Publication No. 2002/0120577 (Hans). Reconsideration and withdrawal of the rejections are respectfully requested for at least the following reasons.

The Applicant's previous paper made the following request (the page and line numbers in the following excerpt are from the previous Office Action):

> As best understood, the Examiner considers that stream server 1 and 2 of
> Figure 3 of Baumeister correspond to the claimed one or more first servers, and
> that the FTP server of Figure 3 of Baumeister corresponds to the claimed ingest
> server. It is not clear from the Office Action whether the Examiner considers
> Baumeister's stream server 1 and 2, Baumeister's stream server portal, or some
> other component of Baumeister, to correspond to claimed ingest queue server (see
> the first three lines and the second full paragraph at page 3 of the Office Action).
> At line 1 of page 7, the Office Action's parenthetical states: "(see stream server in
> fig. 3 different than stream)". The Applicant respectfully requests clarification as
> to which component of Baumeister the Examiner considers to correspond to the
> claimed ingest queue server and clarification of the parenthetical at line 1 of page
> 7 of the Office Action, should the Examiner maintain the rejection.

The parenthetical for which the Applicant requested clarification still remains in the grounds for rejection (lines 3 and 4 of page 3 of the present Office Action). The Applicant renews the request for clarification, should the Examiner maintain the rejection.

In the following remarks, the Applicant assumes that the Examiner considers Baumeister's stream server portal to correspond to the claimed ingest queue server. If this assumption is incorrect, the Examiner is requested to provide clarification, should the Examiner maintain the rejection.

Claim 1 recites a system comprising one or more decentralized client sites, each client site having one or more assigned client content providers, the client site comprising one or more first servers storing digital content of a client content provider. In a decentralized upload operation to upload digital content from a client provider assigned to the decentralized client site, an ingest server ingests the digital content of the client content provider. As part of the decentralized upload operation to upload the digital content from the client provider, one or more

ingest queue servers from a central site geographically remote from the decentralized client site direct the transfer of the digital content ingested by the ingest server to the one or more first servers of the decentralized client site assigned to the client content provider that is uploading the digital content. The one or more ingest queue servers direct the transfer based on information identifying the client content provider of the ingested digital content. The decentralized client site further comprises at least one media server that provides at least a portion of the stored digital content to the user in response to a user request. The system's central site that comprises the one or more ingest queue services all of the client content providers assigned to the decentralized client sites.

The applied art fails to disclose the claimed system.

Since it is conceded in the Office Action, at page 3, that Baumeister fails to disclose clients uploading digital content to a server, it follows that Baumeister cannot disclose the claimed upload operation, and further fails to disclose an upload operation that is decentralized. Additionally and based on the concessions made in the Office Action, it follows that Baumeister fails to disclose the claimed ingest server that ingests digital content from a client provider in a decentralized upload operation. Based on the concessions made in the Office Action, Baumeister must also fail to disclose the claimed one or more ingest queue servers that direct, as part of the decentralized upload operation, the transfer of digital content ingested by the ingest server to the one or more first servers of the decentralized client site assigned to the client content provider that is uploading the digital content. Furthermore, Baumeister fails to disclose or suggest a decentralized client site that has one or more client content providers assigned to it, and further fails to disclose a central site that comprises the claimed one or more ingest queue servers servicing all of the client content providers assigned to the one or more decentralized client sites.

Additionally, Baumeister's system for streaming media data in heterogeneous environments shown in Figure 3 of Baumeister differs significantly from the subject matter of claim 1. Baumeister's system focuses on streaming content by one of its stream servers 1 and 2 to a media player using a stream server portal to select one of stream servers 1 and 2. Baumeister's stream server portal is not at all like the claimed ingest queue server. Since, as is conceded in the Office Action, Baumeister fails to disclose an upload, Baumeister's stream

server portal cannot correspond in any way to the claimed ingest queue server that directs, as part of a decentralized upload operation, the transfer of digital content ingested by the ingest server, as part of the decentralized upload operation, to the one or more first servers of the decentralized client site assigned to the client content provider that is uploading the digital content. Additionally, according to Baumeister, its stream server portal selects stream server 1 or stream server 2, and the selection is based on each one's ability to stream the type of media, the cache content of each one's stream server controller, each one's current utilization, each one's locality to the media player that requested the content, and information that it received from the media player, i.e., the address information of the media data, the media player/stream server type, security information or client information (see Figure 4 and ¶¶ 38, 40, 45 and 46 of Baumeister). This is much different from the claimed ingest queue server that directs transfer of a client content provider's digital content ingested by an ingest server to one or more first servers based on information identifying the client content provider of the ingested digital content. In further contrast, the claimed ingest queue server is located at a central site and directs transfer of ingested digital content to one or more first servers located at a decentralized client site based on information identifying the client content provider of the ingested digital content, while server 1's (or server 2's) stream server controller of Baumeister directs Baumeister's FTP/data server to transfer media content to it based on whether or not the content is already stored in the stream server controller's cache (see ¶ 41 of Baumeister).

Furthermore, Baumeister describes that its stream servers 1 and 2 are used to stream content to a media player. At ¶ 40, Baumeister describes that the stream server's controller determines, in response to a request for the media content from an application, whether or not to obtain the content from the FTP server. This is in stark contrast to the claimed transfer that is part of a decentralized upload operation by which digital content from a digital content provider assigned to the decentralized client site. This is further in stark contrast to the claimed ingest queue server that is part of a central site that services all of the decentralized sites, the claimed ingest queue server directing, as part of the decentralized upload operation, the transfer of digital content ingested by the ingest server to the one or more first servers, the ingest server and the one

or more first servers being part of the decentralized client site assigned to the client content provider that is uploading the digital content.

For at least the reasons set forth above, Baumeister clearly fails to disclose a number of the elements of the claimed system recited in claim 1, including the decentralized client site that has one or more assigned client content providers, the decentralized client site comprising an ingest server that ingests digital content in a decentralized upload operation to upload digital content from the client content provider assigned to the decentralized client site, one or more first servers and a media server, and Baumeister further fails to disclose the central site that services all of the client content providers assigned to decentralized client sites and that comprises one or more ingest queue servers that direct, as part of the decentralized upload operation, the transfer of digital content ingested by the ingest server to the one or more first servers of the decentralized client site assigned to the client content provider that is uploading the digital content.

Sim fails to remedy the deficiencies noted with respect to Baumeister, and further fails to teach, suggest or disclose a system that comprises a central site geographically remote from the one or more, each of the decentralized client sites having one or more assigned client content providers and comprising one or more ingest queue servers, the central site's one or more ingest queue servers directing, as part of the decentralized upload operation, the transfer of digital content ingested by the ingest server to the one or more first servers of the decentralized client site assigned to the client content provider that is uploading the digital content based on information identifying the client content provider of the ingested digital content. Sim describes a content management server that receives content uploaded from a client, breaks the received content down into tracks and then issues a command that is distributed to distribution servers in the network so that each distribution server that receives the command can determine whether or not it should have the content. In contrast to Sim, claim 1 requires a decentralized client site that has one or more assigned client content providers, the decentralized client site comprising an ingest server that ingests digital content in a decentralized upload operation to upload digital content from the client content provider assigned to the decentralized client site, one or more first servers and a media server and, in further contrast to Sim, claim 1 further requires a central site that services all of the client content providers assigned to decentralized client sites and that

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comprises one or more ingest queue servers that direct, as part of the decentralized upload operation, the transfer of digital content ingested by the ingest server to the one or more first servers of the decentralized client site assigned to the client content provider that is uploading the digital content.

Baumeister and Sim each fail to disclose multiple elements of the system of claim 1, including the decentralized client site that has one or more assigned client content providers, the decentralized client site comprising an ingest server that ingests digital content in a decentralized upload operation to upload digital content from the client content provider assigned to the decentralized client site, one or more first servers and a media server, and the central site that services all of the client content providers assigned to decentralized client sites and that comprises one or more ingest queue servers that direct, as part of the decentralized upload operation, the transfer of digital content ingested by the ingest server to the one or more first servers of the decentralized client site assigned to the client content provider that is uploading the digital content.

Since Baumeister and Sim each fail to disclose multiple ones of the same claim limitations, Baumeister and Sim cannot form the basis of a proper § 103 rejection. Furthermore and since each of Baumeister and Sim fails to disclose multiple ones of the claim elements, neither Baumeister nor Sim can form the basis of a proper § 102 rejection. In view of the concessions made in the Office Action and the remarks made herein, Claim 1 is believed to be patentably distinct from Baumeister and Sim. Additionally, in view of the concessions made in the Office Action and the remarks made herein, Claim 13 and the claims that depend from Claims 1 and 13 are also believed to be patentably distinct from Baumeister and Sim.

Claims 3, 4, 7, 9, 15, 16, 19, 21 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view Sim and Colby. It is respectfully submitted that the features described above with respect to Claims 1 and 13 from which Claims 3, 4, 7, 9, 15, 16, 19, 21 and 25 depend, respectively, are applicable to this claim as well, and that Colby does not remedy these deficiencies. Therefore, Applicant submits that a combination of Baumeister, Sim and Colby would not yield all of the elements in the presently cited claims, and therefore the combination cannot form the basis of a proper obviousness rejection. Moreover, it is respectfully

submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Baumeister and Colby is insufficiently presented.

Claims 5 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and Layeghi. It is respectfully submitted that the features described above with respect to Claims 1 and 13 from which Claims 5 and 17 depend, respectively, are applicable to this claim as well, and that Layeghi does not remedy these deficiencies. Therefore, Applicant submits that a combination of Baumeister, Sim and Layeghi would not yield all of the elements in the presently cited claims, and therefore the combination cannot form the basis of a proper obviousness rejection. Moreover, it is respectfully submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Baumeister and Layeghi is insufficiently presented.

Claims 10 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Baumeister in view of Sim and Hans. It is respectfully submitted that the features described above with respect to Claims 1 and 13 from which Claims 10 and 22 depend, respectively, are applicable to this claim as well, and that Hans does not remedy these deficiencies. Therefore, Applicant submits that a combination of Baumeister, Sim and Hans would not yield all of the elements in the presently cited claims, and therefore the combination cannot form the basis of a proper obviousness rejection. Moreover, it is respectfully submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Baumeister and Hans is insufficiently presented.

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for allowance and Notice to that effect is respectfully solicited. Additional characteristics or arguments may exist that distinguish the claims over the prior art cited by the Examiner, and Applicant respectfully preserves their right to present these in the future, should they be necessary. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

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     The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

     The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

                                        Respectfully submitted,

Date: July 19, 2010

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